

HOUSE BILL 3549

By Maddox

AN ACT to amend Tennessee Code Annotated, Section 62-5-414, relative to the pre-need funeral consumer protection account.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 62-5-414(h), is amended by deleting the subsection in its entirety and by substituting instead the following language:

(h)

(1) There is established within the general fund a pre-need funeral consumer protection account, referred to as the "pre-need funeral account" in this section. Funds received by the commissioner under this section, up to but not exceeding two million five hundred thousand dollars (\$2,500,000), shall be deposited into the pre-need funeral account and held solely for the purposes related to the pre-need registration program and any receivership action initiated by the commissioner against a pre-need seller pursuant to this section.

(2) Once the balance in the account exceeds two million five hundred thousand dollars (\$2,500,000), an indigent fund shall be established within the general fund to be administered by the commissioner. Any funds received under this section by the commissioner which are in excess of such amount shall be deposited into the indigent fund.

(3)

(A) The indigent fund shall be established for the purpose of reimbursing funeral homes which provide funeral services to those who are indigent.

(B) A funeral home which provides funeral services to those who are indigent may file an application with the commissioner, in a manner established by the commissioner, requesting reimbursement from the indigent fund for amounts expended by the funeral home in providing such services. The funeral home shall be required to file documentation verifying that the expenses were for providing such services and for no other purposes.

(C) The commissioner shall develop the appropriate forms and criteria required to be met for a funeral home to qualify for reimbursement for providing services to the indigent population.

SECTION 2. For purposes of establishing the necessary forms and criteria, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes , this act shall take effect July 1, 2010, the public welfare requiring it.